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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/673,957	<b>Applicant(s)</b> NEVILL-MANNING ET AL.
	<b>Examiner</b> NICHOLAS AUGUSTINE	<b>Art Unit</b> 2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 28 December 2007.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1,3-12,15-18 and 20-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3-12,15-18 and 20-28 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date 11/15/2007

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

A. This action is in response to the following communications: Amendment filed: 12/28/2007. This action is made **Final**.

B. Claims 1,3-12,15-18 and 20-28 remain pending.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1,4-10,12,15-18 and 20-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. (US Patent 6,058,417) in view of Sciammarella et al (US 5,982,369), herein referred to as "Hess" and "Sciammarella".

As for independent claim 1, Hess teaches in a product search engine, a method for displaying search results in response to a search query comprising: obtaining a product search query generated by a user (col.2, line 23); obtaining search results comprising a set of links, each of the links being associated with a web document determined to be responsive to the query (col.2, lines 23-27); and displaying the set of links in an order corresponding to a relevance ranking and according to a plurality of user-selectable formats (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance); wherein the plurality of user-selectable formats includes a grid view and a list view, wherein the grid view is comprised of a plurality of cells (col.9, lines 45-63; a text mode comprising a list of items for sale presented in a list and a photo mode comprising a grid layout of items for sale that is presented to the user (fig.1 and 9A), each cell displaying information corresponding to one product, and every cell displaying information about a different product (figure 9A; depicted are a plurality of cells (item 5), each cell being associated with one item for sale). Hess does not specifically mention only depicts in figure 9A displaying the set of links in an order corresponding to a relevance ranking. However in the same field of endeavor Sciammarella teaches displaying information representing search results in an order corresponding to a relevance ranking (col.3, lines 1-19). It would have been obvious to one of ordinary skill in the art to have combine Sciammarella into Hess, this is true because Both Sciammarella and Hess teach that of displaying information to the user based on a users search query, wherein the display of

information is ordered and presented in an organized format, such that Sciammarella presents a small variation of how to add another functionality to the already extensive list of formats of Hess (note Sciammarella co1.1, lines 34-47; col.2,1ines 2-30).

As for dependent claim 4, Hess teaches the method of claim 1, further comprising: for each of the set of links, generating a first set of cues for output in a first one of the plurality of user-selectable formats, and generating a second set of cues for output in a second one of the plurality of user-selectable formats (fig. 9A).

As for dependent claim 5, Hess teaches the method of claim 4, further comprising generating the first set of cues for output as a first type of media and the second set of cues as output as a second type of media (fig.9A).

As for dependent claim 6, Hess teaches the method of claim 4, further comprising generating the set of cues for output as text, and generating the second set of cues for output as a truncated version of the first set of cues (col.9, lines 45-63).

As for dependent claim 7, Hess teaches the method of claim 5, further comprising generating the set of cues for output as an image (fig.9A).

As for dependent claim 8, Hess teaches the method of claim 5, further comprising generating the first set of cues for output as audio (col.8, lines 36-59).

As for dependent claim 9, Hess teaches the method of claim 5, further comprising generating the first set of cues for output as text (col.8, lines 61-67 and col.9).

As for dependent claim 10, Hess teaches the method of claim 3, further comprising generating no advertisement for display in the grid view (col.8, lines 61-67 and col.9).

As for independent claim 12, Hess teaches a method for providing user-selectable views of search results by a product search engine comprising: displaying a set of search results responsive to a product search on a first search result page in an order corresponding to a relevance ranking (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance), the set of search results displayed in accordance with a grid view, wherein the grid view is comprised of a plurality of cells, each cell displaying information corresponding to one product, and every\_cell displaying information about a different product (fig.9A); and providing a link on the search result page to a second search result page (col.8, lines 61-67 and col.9), the second search result page for displaying the set of search results in the order corresponding to the relevance ranking, the set of search results displayed in accordance with a list view

(col.8, lines 61-67 and col.9). Hess does not specifically mention only depicts in figure 9A displaying the set of links in an order corresponding to a relevance ranking. However in the same field of endeavor Sciammarella teaches displaying information representing search results in an order corresponding to a relevance ranking (col.3, lines 1-19). It would have been obvious to one of ordinary skill in the art to have combine Sciammarella into Hess, this is true because Both Sciammarella and Hess teach that of displaying information to the user based on a users search query, wherein the display of information is ordered and presented in an organized format, such that Sciammarella presents a small variation of how to add another functionality to the already extensive list of formats of Hess (note Sciammarella col.1, lines 34-47; col.2, lines 2-30).

As for dependent claim 15, Hess teaches the method of claim 12, wherein an amount of textual information displayed in conjunction with a search result of the set of search results in the list view is relatively less than in conjunction with the search result in the grid view (fig.1 and 9A).

As for independent claim 16, Hess teaches in a product search engine, a method for displaying search results comprising: generating a set of search results in response to a search query (col.2, lines 23-27); and displaying the set of search results in an order corresponding to a relevance ranking (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based

on relevance), as a grid of two or more columns on a search result page, in response to user selection of a grid view, and wherein the grid view is comprised of a plurality of cells, each cell displaying information corresponding to one product, and every cell displaying information about a different product (col.8, lines 61-67 and col.9). Hess does not specifically mention only depicts in figure 9A displaying the set of links in an order corresponding to a relevance ranking. However in the same field of endeavor Sciammarella teaches displaying information representing search results in an order corresponding to a relevance ranking (col.3, lines 1-19). It would have been obvious to one of ordinary skill in the art to have combine Sciammarella into Hess, this is true because Both Sciammarella and Hess teach that of displaying information to the user based on a users search query, wherein the display of information is ordered and presented in an organized format, such that Sciammarella presents a small variation of how to add another functionality to the already extensive list of formats of Hess (note Sciammarella col.1, lines 34-47; col.2, lines 2-30).

As for dependent claim 17, Hess teaches the method of claim 16, further comprising displaying an associated picture for one or more of the results in the set of search results (fig.9A).

As for independent claim 18, Hess teaches in a specialized search engine, a method for outputting specialized search results comprising: generating a set of search results in response to a search query (col.2, lines 23-27); outputting a first set of cues for one of

the set of search results in an order corresponding to a relevance ranking, upon selection of a grid view output mode by a user, wherein the grid view is comprised of a plurality of cells, each cell displaying information corresponding to one product (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance), and every\_ cell displaying information about a different product; and outputting a second set of cues for the one of the set of search results in the order corresponding to the relevance ranking, upon selection of a list view output mode by the user (col.8, lines 61-67 and col.9). Hess does not specifically mention only depicts in figure 9A displaying the set of links in an order corresponding to a relevance ranking. However in the same field of endeavor Sciammarella teaches displaying information representing search results in an order corresponding to a relevance ranking (col.3, lines 1-19). It would have been obvious to one of ordinary skill in the art to have combine Sciammarella into Hess, this is true because Both Sciammarella and Hess teach that of displaying information to the user based on a users search query, wherein the display of information is ordered and presented in an organized format, such that Sciammarella presents a small variation of how to add another functionality to the already extensive list of formats of Hess (note Sciammarella col.1, lines 34-47; col.2, lines 2-30).

As for independent claim 20, Hess teaches an apparatus for searching a database in response to a search query comprising: a storage area to store a set of instructions; and

a processor, coupled to the storage area, to execute the instructions which cause the processor to: obtain a set of search results from a database in response to a query (col.2, lines 23-27); and generate the set of search results for output in an order corresponding to a relevance ranking and in a first format (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance), wherein a first set of cues are output for one of the set of search results in response to user selection of a grid view, wherein the grid view is comprised of a plurality of cells, each cell displaying information corresponding to one product, and every cell displaying information about a different product; and generate the set of search results for output in the order corresponding to the relevance ranking and in a second format, wherein a second set of cues are output for one of the set of search results in response to user selection of a list view (col.8, lines 61-67 and col.9). Hess does not specifically mention only depicts in figure 9A displaying the set of links in an order corresponding to a relevance ranking. However in the same field of endeavor Sciammarella teaches displaying information representing search results in an order corresponding to a relevance ranking (col.3, lines 1-19). It would have been obvious to one of ordinary skill in the art to have combine Sciammarella into Hess, this is true because Both Sciammarella and Hess teach that of displaying information to the user based on a users search query, wherein the display of information is ordered and presented in an organized format, such that Sciammarella presents a small variation of how to add another functionality to the already extensive list of formats of Hess (note

Sciammarella col.1, lines 34-47; col.2, lines 2-30).

As for dependent claim 21, Hess teaches the apparatus of claim 20, wherein the first set of cues and second set of cues differ with respect to an amount of text included in each (fig.1 and 9A).

As for dependent claim 22, Hess teaches the apparatus of claim 21, wherein the instructions which cause the processor to generate the set of search results for output in a first format comprise displaying the set of search results in a grid format, wherein at least one of the set of search results includes a pictorial representation of a product associated with that result (fig.9A).

As for independent claim 23, Hess teaches a product search engine system comprising: means for generating product-related search results in an order corresponding to a relevance ranking (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance), the results displayed in a first output format in response to user selection of a grid format, wherein the grid format is comprised of a plurality of cells, each cell displaying information corresponding to one product, and every cell displaying information about a different product (fig.9A); and means for generating product-related search results in the order corresponding to the relevance ranking, the results displayed in a second output

format in response to user selection of a list format (col.8, lines 61-67 and col.9). Hess does not specifically mention only depicts in figure 9A displaying the set of links in an order corresponding to a relevance ranking. However in the same field of endeavor Sciammarella teaches displaying information representing search results in an order corresponding to a relevance ranking (col.3, lines 1-19). It would have been obvious to one of ordinary skill in the art to have combine Sciammarella into Hess, this is true because Both Sciammarella and Hess teach that of displaying information to the user based on a users search query, wherein the display of information is ordered and presented in an organized format, such that Sciammarella presents a small variation of how to add another functionality to the already extensive list of formats of Hess (note Sciammarella col.1, lines 34-47; col.2, lines 2-30).

As for dependent claim 24, Hess teaches the product search engine system of claim 23, wherein the first output format includes displaying the product-related search results in a grid format comprising two or more columns (fig. 9A).

As for dependent claim 25, Hess teaches the method of claim 1, wherein the relevance ranking comprises a numerical value corresponding to a calculated relevance of each document determined to be responsive to the query (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted

presentation based on relevance).

As for dependent claim 26, Hess teaches the method of claim 12, wherein the relevance ranking comprises a numerical value corresponding to a calculated relevance of each search result determined to be responsive to the product search (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance).

As for dependent claim 27, Hess teaches the method of claim 16, wherein the relevance ranking comprises a numerical value corresponding to a calculated relevance of each search result determined to be responsive to the query (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance).

As for dependent claim 28, Hess teaches the method of claim 18, wherein the relevance ranking comprises a numerical value corresponding to a calculated relevance of each search result determined to be responsive to the query (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance).

4. **Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess in view of Sciammarella in further view of Barnett et al. (US Patent 6,369,840 B1), herein referred to as “Barnett”.**

As for dependent claim 3, Hess does not particular teach associating at least one advertisement with the query; and generating the advertisement for display in the list view, however in the same field of endeavor Barnett does (fig.7A, on top page an advertisement is displayed also depicted in figures 7B-14 which depicts changing advertisements). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Barnett into Hess because they both teach a system for accepting user queries and presenting image relevant data to the user based on the users query.

As for dependent claim 11, Hess does not particular teach generating the advertisement for display if the grid view is selected, however in the same field of endeavor Barnett does (fig.7A, on top page an advertisement is displayed also depicted in figures 7B-14 which depicts changing advertisements). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Barnett into Hess because they both teach a system for accepting user queries and presenting image relevant data to the user based on the users query.

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**(Note:)** It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1,3-12,15-18 and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/  
Examiner, Art Unit 2179  
March 28, 2008

/Ba Huynh/  
Primary Examiner, Art Unit 2179